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August 2, 2002

TN REGULATORY AUTHORITY  
DOCKET ROOM

The Honorable Sara Kyle, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

In Re: BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA)  
Service in Tennessee Pursuant to section 271 of the Telecommunications Act of  
1996

Docket No. 97-00309

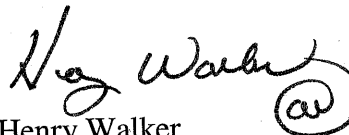
Dear Chairman Kyle:

Please accept for filing the original and fourteen copies of the Revised Direct Testimony  
of Colette Davis on behalf of Covad Communications Company in the above-captioned  
proceeding.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
Attachment

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

In Re: BellSouth Telecommunications, Inc.'s )  
Entry into Long Distance (interLATA) Service in )  
Tennessee Pursuant to Section 271 of the )  
Telecommunications Act of 1996 )

Docket No. 97-00309

**DIRECT TESTIMONY**

**OF**

**COLETTE DAVIS**

**OF**

**COVAD COMMUNICATIONS COMPANY**

August 2, 2002

**Q. Please state your name and business address.**

A. My name is Colette Davis. I am the Director of ILEC Relations for Covad Communications for the BellSouth region. My address is 1230 Peachtree St., N.E., 19<sup>th</sup> Floor, Atlanta GA 30309.

**Q. What is the purpose of your testimony.**

A. My testimony offers Covad Communication Company's perspective on whether BellSouth has fully opened its local markets in Tennessee to competition, as required by the Telecommunications Act. Specifically, I will comment on whether BellSouth has met Checklist Item 4 (non-discriminatory access to loops). Covad also has extensive testimony to present regarding BellSouth's OSS systems as they relate to its compliance with Checklist Item 2, but we are not presenting this testimony at this time based upon the fact that the Tennessee Regulatory Authority has indicated that these issues will be dealt with in a separate hearing.

**Q. Please describe your responsibilities at Covad.**

A. I am the Director of ILEC Relations for Covad for the BellSouth region. In that capacity, I am involved in the day to day operations of Covad's relationship with BellSouth, its sole supplier of unbundled network elements. I function as the liaison between BellSouth's and Covad's operations groups in the resolution of operational issues arising from Covad's use of BellSouth OSS systems, as well as pre-ordering, ordering and provisioning systems. I participate in ensuring that Covad's operational issues are appropriately escalated and addressed by the various BellSouth work groups that affect Covad's ability to be successful in this region, including the CRSG, the CWINS group, the LCSC and Covad's account team.

**Q. Please describe your career prior to joining Covad.**

A. Prior to joining Covad in July 2000, I worked at Project Management Services, Inc. ("PMSI") as an Assistant Vice President of Professional Services Division. In that role, I directed strategic network infrastructure projects for our clients. During my tenure at PMSI, I provided project management services to the BellSouth ADSL network process improvement project. Earlier in my career, I worked for BellSouth for 15 years in the Consumer Operations department. In that capacity, I held responsibilities including business office line management, staff support for force management, customer service and carrier services as well as managing consumer projects.

Because of my work with other ILECs while at Covad, I gather the best practices from around the country and implement them in the BellSouth region, when appropriate.

**Q. How is your testimony organized?**

A. It is organized by Checklist Item. As mentioned above, Covad will focus this testimony on Checklist Item 4 (non-discriminatory access to loops), leaving testimony regarding Checklist Item 2 (non-discriminatory access to Unbundled Network Elements, like OSS) to a separate hearing at a date that has yet to be announced.

**Q. Testimony was originally to have been filed by July 9, 2002, in this docket. Why is this testimony being filed on August 2, 2002?**

A. Based on recent decisions by the TRA, it is my understanding that many CLECs including Covad are refiling testimony with OSS issues removed. This testimony does not differ materially from the testimony that I filed on July 9, 2002, except for the fact that all OSS issues have been removed so that they may be addressed in a separate hearing.

#### **CHECKLIST ITEM 4: NONDISCRIMINATORY ACCESS TO LOOPS**

**Q. In your opinion, what does BellSouth need to do to provide nondiscriminatory access to loops?**

A. Basically, BellSouth needs to treat Covad and other CLECs like customers. That is, BellSouth needs to work cooperatively with Covad to develop processes that improve performance by both parties. We need to work collaboratively to get Covad's orders through BellSouth's systems and provisioned in a timely and efficient manner.

**Q. How does BellSouth's provisioning of loops affect Covad?**

A. Covad's business plan depends upon loop delivery performance by BellSouth as well as on high quality pre-ordering, ordering, repair and maintenance services. As part of my daily work for Covad, I am actively involved in monitoring operational issues and in driving improvement by both Covad and BellSouth.

**A. LOOP PERFORMANCE ISSUES**

**(1) BellSouth Does Not Deliver Line Shared Loops in the Standard Interval**

**Q. Please describe BellSouth's performance in provisioning the Line Shared Loop.**

A. BellSouth's Interconnection Agreement with Covad requires it to deliver Line Shared Loops in three days (see Interconnection Agreement extract attached hereto as Exhibit 4). The latest available data, however, indicates that BellSouth is delivering this loop in an average of 4.03 days in Tennessee, an ongoing provisioning problem that has a serious impact on Covad's ability to provide timely service to its customers.

**Q. Why is the fact that BellSouth provisions Covad's Line Shared Loops one day slower than it is contractually required to do significant?**

A. BellSouth's one day delay is significant for two primary reasons. First, Covad is competing for customers with BellSouth, and customers want faster service. When BellSouth slows our ability to deliver DSL service quickly, it is harming our business in a very real way. Second, BellSouth's delay actually costs Covad money. We do not begin billing our customers until their service is up-and-running, and, to the extent that BellSouth's inability to meet its contractual obligations slows our ability to reach this point, it is costing us revenue.

**Q. What other provisioning problems does BellSouth have with this loop?**

A. Its other provisioning problems include:

- The information contained in BellSouth's database is often inaccurate, particularly with regard to identifying loops that need conditioning. The result of these inaccuracies is that Covad customers are informed of a delivery date based on the information in BellSouth's database, only to have that date pushed back by a minimum of 10 or 11 days when the need for conditioning is discovered.
- Despite the fact that BellSouth central office technicians are required to check each Line Shared Loop for the ability to support DSL services, they often complete the provisioning process even when the loop in question needs conditioning to be able to support those services. The result of this is that the loop fails when Covad attempts to activate its customer's service. When a loop needs conditioning, the loop should be placed in a jeopardy status with

Covad. BellSouth's failure to follow its own simple procedures in this regard results in delays over and above the delays inherent in the loop conditioning process.

**Q. Does BellSouth also have provisioning problems with the UCL-ND loop?**

A. Yes. If anything, in fact, its UCL-ND provisioning problems are even worse. Unfortunately, BellSouth has proven incapable of properly provisioning this loop in accordance with its own processes and its Interconnection Agreement (IA) with Covad. As a result, the UCL-ND loop has cost Covad far more in trouble ticket charges, man-hours and personnel frustration than any purported cost savings.

**Q. Has Covad taken steps to attempt to get BellSouth to fix the problems with the UCL-ND loop?**

A. Yes, but despite Covad's best efforts to make this loop work, BellSouth has failed to take responsibility for its successful provisioning. We have written numerous letters requesting investigation and improvement in these processes, but more than a year after the UCL-ND was introduced, Covad still cannot consistently order and receive a timely, functional loop.

**Q. Please describe specific problems that Covad has with this loop.**

A. Quite simply, BellSouth cannot provision the loop correctly. Of 50 UCL-ND orders in January 2002, Covad data showed that BellSouth failed to properly provision 38 of those orders. After investigating, BellSouth admitted that of the 30 orders it believed were timely delivered, BellSouth had failed to follow process and notify Covad that the order was closed on 7 orders. BellSouth further admitted that 10 of the 50 orders were nonfunctional at turn-up. Thus, BellSouth's own data showed that more than 17 out of 50 orders were improperly

provisioned. Irrespective of which set of data is used, serious process and provisioning problems clearly exist with this loop.

Further, when BellSouth does manage to provision the loop, it cannot fix subsequent problems with it at anywhere near an acceptable level. An analysis of January-March, 2002, data reveals that 43% of Covad's orders that require trouble tickets, require more than one trouble ticket to resolve whatever problem there is with the loop. Moreover, even excluding BellSouth's failure to provide demarcation point information, 9% of Covad UCL-ND orders cannot be turned up on dispatch because of BellSouth loop issues.

**Q. What about demarcation information? Does BellSouth provide Covad with this critical information?**

A. No. In addition to its provisioning problems and despite Covad's continuous efforts to resolve this issue, BellSouth is still refusing to provide demarcation point information in accordance with its Interconnection Agreement with Covad. Since Covad orders UCL-ND loops for business customers, the loops are often to office buildings that may have multiple phone closets and thousands of lines. Demarcation point information enables Covad's technicians to learn where BellSouth has dropped the loop, so that Covad can perform the remaining work to get a customer into service. Without demarcation point information, Covad technicians are forced to play blind man's bluff, searching basements, multiple phone closets and attempting to find the proverbial needle in a haystack.



Covad and BellSouth clearly understood the importance of transferring this information from BellSouth to Covad, and that's why the following language was put in the Interconnection Agreement.

Where a technician is dispatched to provision a loop, the BellSouth technician shall tag a circuit for identification purposes. Where a technician is not dispatched by BellSouth, BellSouth will provide sufficient information to Covad to enable Covad to locate the circuit being provisioned.

(Interconnection Agreement, Attachment 2, § 2.1.17.9.3). Thus, irrespective of whether BellSouth dispatches a technician, BellSouth is obligated to provide information to Covad sufficient to allow Covad to locate the circuit being provisioned.

This proves that BellSouth has failed to provide loops to Covad in the same manner that it provides those loops to itself. BellSouth refuses to comply with its contractual obligation to provide demarcation information, and this makes the UCL-ND an unacceptable alternative for Covad to order. This forces us into the untenable position of having to order the more expensive "designed" loops just to ensure that we get a loop that works together with demarcation information.

**Q. Has Covad attempted to work with BellSouth to solve this demarcation information problem?**

A. Extensively, but these efforts have proved useless in the face of BellSouth's stubborn commitment to unequal treatment of CLECs. When this problem first arose, BellSouth suggested that Covad order joint acceptance testing on these loops for the purpose of obtaining demarcation point information. As an interim measure designed to get our customers into service, Covad was willing to do this

while BellSouth devised a permanent solution. However, this adds another \$50-\$100 to the Covad loop price, and Covad cannot continue to pay an extra fee to get BellSouth to meet its pre-existing contractual obligations.

Then, in April, Covad wrote to BellSouth informing BellSouth that we would be opening trouble tickets in advance of the Covad truck to obtain demarcation point information where BellSouth did not provide it, and we spoke with BellSouth personnel to inform BellSouth of this process and to ask for help working toward a better solution for both companies. BellSouth has refused to respond to both of these requests, but it is now refusing to open a trouble ticket to obtain demarcation point information. Again, this unilateral action on BellSouth part directly violates its contractual obligations and is yet another illustration of its refusal to even attempt to develop a workable solution to this operational problem.

**Q. What solutions do you recommend to deal with these problems?**

A. First, BellSouth must identify a high-ranking operations officer to be responsible for resolution of these problems. Second, BellSouth should be required to perform joint testing before it closes a trouble ticket to ensure that multiple tickets are not required to solve a single problem. As I mentioned, Covad data shows that 45% of our UCL-ND orders had trouble tickets and of those orders requiring trouble tickets, 43% had multiple tickets. This clearly indicates BellSouth's failure to properly address troubles on these loops in the first instance. As a result of this egregious track record, Covad has already asked BellSouth to participate in Joint Acceptance Testing before closing trouble tickets, but BellSouth has refused. BellSouth's performance illustrates why such testing is essential.

Third, BellSouth must develop some process to provide Covad with demarcation point information on every UCL-ND loop ordered. This is required by the IA, and BellSouth's failure to provide such information is a clear violation of that contract.

**(2) BellSouth's Reports Poor Performance for Loop Delivery in Tennessee**

**Q. How can BellSouth's performance in these areas be measured?**

A. In this docket, BellSouth has filed data measuring its performance for its own customers in various provisioning and repair processes as compared to its performance for CLECs in these same areas. The data that it filed covered November and December 2001, and January 2002, and, as noted before, it is my understanding that this data measured BellSouth's performance based on the Performance Measurements Order of Georgia rather than the more recent Order of this Authority.

In preparing this testimony, Covad attempted to use the May data, but BellSouth failed to post the Tennessee Monthly State Summary for May in time for this filing despite the fact that its own procedures called for it to be posted by June 30, 2002. Thus, April 2002 data is the most recent BellSouth data available, and I have relied on this data and data from March in preparing this testimony. As set forth below, the data clearly establishes a pattern of poor performance insufficient to support its application for long distance authority.

**A. Order Completion Interval (P-4)**

**Q. What does Order Completion Interval (metric P-4) measure?**

- A. It measures the interval from BellSouth's issuance of a Firm Order Confirmation to Covad until BellSouth completes the service order. It is important to note that this is a very different measure than the one ordered by the TRA in the performance plan that it developed for Tennessee. The TRA's measure begins when a CLEC places an order, rather than the measure discussed below which only measures from the time BellSouth chooses to *respond* to the CLEC's order. Thus, the TRA's performance plan actually captures and measures the customer's experience from submission of an order until that order is completed.

**Q. What results did BellSouth report for Line Shared Loops?**

- A. For Line Shared Loops, BellSouth uses "ADSL provided to Retail" as the retail analog. The reported data shows that BellSouth performed much better in provisioning its retail ADSL service than it did in provisioning line sharing to Covad in Tennessee. While BellSouth completed its own retail ADSL orders in 4.12 days for orders requiring dispatch, it took 4.9 days to complete those orders for Covad's Line Shared Loops in April. BellSouth's performance was even poorer in March: its provisioned this loop for itself in 3.99 days on average, but took *10 days* to provision it for Covad.

**B. Percent Provisioning Troubles Within 30 days (P-9)**

**Q. Please describe why this is an important measurement of BellSouth performance.**

- A. Percent Provisioning Troubles Within 30 Days measures the percent of trouble reports filed for loops within 30 days of installation. Generally, this metric assesses the quality of the installation of an xDSL loop, since loop quality is an essential aspect of non-discriminatory loop provisioning. In the Southwestern

Bell Texas 271 Order, the FCC found two important reasons why measurement of trouble tickets within 30 days is important for determining checklist compliance. First, trouble reports within 30 days are “indicative of the quality of network components supplied by the incumbent LEC.”<sup>1</sup> Second, the FCC concluded that advanced services customers that experience substantial troubles in the period following installation of an xDSL-capable loop are unlikely to remain with a competing carrier.<sup>2</sup>

**Q. How did BellSouth perform under this measurement?**

A. BellSouth reported in April that an astounding 20.00% of Covad’s Line Shared Loops had troubles within 30 days of installation. At the same time, BellSouth reported that its own performance for these loops showed repeat troubles at a rate of only 2.74% within 30 days. In short, *BellSouth is nearly eight times more likely to install a loop that needs to be fixed within thirty days for one of Covad’s customers than for one of its own.*

**C. Maintenance Average Duration (M&R-3)**

**Q. What does this metric measure?**

A. The purpose of this metric is to measure the time that it takes (in hours) for BellSouth to complete work once a trouble ticket has been issued. This measurement is, again, critical to the customer experience because it provides a direct measure of down-time.

**Q. Is BellSouth providing Covad with parity treatment for this important measure.**

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<sup>1</sup> SWBT Texas 271 Order, ¶ 299.

<sup>2</sup> *Id.*

- A. Absolutely not. In April, BellSouth took an average of 12.75 hours to repair problems on loops running to Covad customers, but repaired its own customers loops in an average of only 3.55 hours.

**D. Customer Trouble Report Rate (M&R 2)**

**Q. What is Customer Trouble Report Rate?**

- A. This metric measures the percentage of orders experiencing trouble with BellSouth-controlled portions of a loop during the reporting month. This metric signifies overall performance offered to CLECs by BellSouth in Tennessee. For Covad's two most important loops for reaching Tennessee small businesses, our ISDN and T-1 loops, BellSouth's April data for Tennessee demonstrates significant poor performance for Covad: for ISDN loops, BellSouth's customers had trouble with their loops approximately half as often as Covad's customers, and *BellSouth gave its own T-1 customers service that was 156 times better than the service that it gave to Covad's customers* with 50% of Covad's customers experiencing problems during the month as compared to only 0.32% of BellSouth's customers.

**E. Percent Repeat Troubles Within 30 Days (M&R-4)**

**Q. What is Percent Repeat Troubles within 30 Days?**

- A. This measures the percentage of lines/circuits that have more than one trouble report in a thirty day period. As with all of the other measures, poor performance by BellSouth on this measure can translate directly to a lost customer because repeat troubles can destroy customer confidence. Once again, BellSouth's performance on this metric has been miserable

**Q. What are the results of this metric?**

A. Again, BellSouth provides better service to its retail customers than it does to Covad. For ISDN loops in March where the repair required dispatch, 21.11% of BellSouth's end users experienced repeat troubles whereas this happened for 33% of Covad's end-users. The numbers were worse for ISDN loop where the repair did not require dispatch: only 15.63% of BellSouth's end users experienced repeat troubles whereas this happened for 33% of Covad's end-users.

The numbers are similar for Line Shared Loops in April: only 24.82% of BellSouth's end users experienced repeat troubles whereas this happened for a full 50.00% of Covad's end-users.

**Q. What conclusion should the Commission draw from the BellSouth reported data you have just summarized?**

A. As I understand it, this proceeding provides the Commission with an opportunity to review the state of competition in Tennessee and to determine whether BellSouth has provided CLECs with a meaningful opportunity to compete here. My testimony only discusses a few performance metrics that give a glimpse of the type of performance Covad and other CLECs receive from BellSouth, and the simple fact that these numbers reveal is this: BellSouth performs far better for its retail operations than for CLECs, and this unequal treatment should preclude BellSouth from having its 271 Application granted. As CLECs in Tennessee struggle to find a foothold in the marketplace, BellSouth's performance in delivering loops continues to pose a significant obstacle to successful competition. Before BellSouth is permitted to win 271 approval, the Authority must first ensure

that the BellSouth-sponsored obstacles to competition have been eliminated. As is apparent from the statistics, this day has not yet arrived.

**Q. Does this conclude your testimony.**

**A. Yes.**



CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August, 2002, a copy of the foregoing document was served on the parties of record, via hand-delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows:

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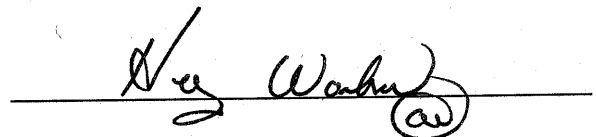
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A handwritten signature, likely "Guy Warren", is written over a horizontal line. The signature is in cursive and includes a circled initial at the end.